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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.10.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

**W.P.(MD)No.22173 of 2023**

M/s.Ascend Telecom Infrastructure Private Ltd.,
Rep. by its Authorized Signatory,
Tamilselvan,
Having Office address at
Old No.32, New No.54, Butt Road,
St.Thomas Mount, Near Kathipara Junction,
Chennai – 600 016. ...Petitioner

Vs.

1.The District Collector,
Tenkasi-627 811.

2.The Superintendent of Police,
Tenkasi-Madurai Road, Elathur,
Tamil Nadu-627 803.

3.The Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram, Tenkasi.
Tamil Nadu-627 803. ...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the


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second and the third respondent to provide police protection for the mobile phone tower erection and operation work of the petitioner at the premises being a portion of land of 1200 Sq feet vacant land out of the 0.43 Cents property at Tenkasi Registration District, Pavoorchatram Sub Registration district, in the boundary of Tenkasi Taluk, Kallurani Village, Ayan Punjay Survey No.95/2B registered in Documents No.1977/2000 dated 04.09.2000.

For Petitioner :Ms.M.Karpagam

For Respondent :Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

**O R D E R**

This writ petition has been filed to direct the second and the third respondent to provide police protection for the mobile phone tower erection and operation work of the petitioner at the premises being a portion of land of 1200 Sq feet vacant land out of the 0.43 Cents property at Tenkasi Registration District, Pavoorchatram Sub Registration district, in the boundary of Tenkasi Taluk, Kallurani Village, Ayan Punjay Survey No.95/2B registered in Documents No.1977/2000 dated 04.09.2000, in the light of the order passed by this Court in WP(MD) No.12971 of 2020 dated 16.10.2020.


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2.Even though the learned counsel for the petitioner submitted that seeking proper permission, letter has been submitted to the District Collector and the same has been approved by the first respondent, no proper document was enclosed in the form of typed set of papers.

3.The learned Government Advocate (Crl. side) would submit that no such permission letter is available with the respondents herein.

4.In a batch of writ petitions which arises out of similar subject issue, the following order was passed. Paragraph 43 is relevant to be extracted hereunder:

> *"43.In view of the above, these Writ Petitions are disposed of with the following directions:-*
> *(I) The petitioner is directed to make fresh and proper applications to the District Collectors/fourth respondent in all these petitions, in terms of G.O.Ms.No.2, Information Technology Department, dated 01.04.2002, seeking permission for erecting the cellphone tower within a month from the date of receipt of a copy of this order.*
> *(ii)The result must be intimated to the petitioner*


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*within a week thereafter.*

*(iii) Depending upon the out come of the applications, the petitioner is at liberty to make proper fresh representation seeking police protection, if any necessity arises mentioning the facts ,circumstances and necessity.*

*(iii) If such request or representation is made by the petitioner, the respective Inspector of Police are hereby directed to consider the same on merits and give police protection, if permission is granted by the respective District Collectors for installing mobile phone towers in the respective areas immediately as mentioned in these petitions."*

5.The above said order shall stand extended to this petition also. In view of the above, this Court is inclined to issue the following Orders:-

(i)The petitioner is hereby directed to make fresh and proper application to the District Collector/first respondent herein, in terms of the above said Government Order namely G.O.Ms.No.2, Information Technology Department, dated 01.04.2002, seeking permission for erecting the cellphone tower, within a period of **thirty** days from the date of receipt of a copy of this order.



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(ii)On receipt of such application, the same shall be processed by the first respondent, within the time stipulated.

(iii)After getting permission from the District Collector/first respondent, if any trouble arises during the course of installation a fresh representation may be made by the petitioner to the third respondent herein seeking police protection.

(iv)On receipt of such representation, the same shall be considered by the third respondent on its own merits, by summoning the petitioner as well as the objectors and extend the protection, after satisfying that proper permission has been obtained by the petitioner from the District Collector.

7.With the above said directions, this writ petition stands disposed of. No costs.

**06.10.2023**

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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To

1.The District Collector,
Tenkasi-627 811.

2.The Superintendent of Police,
Tenkasi-Madurai Road, Elathur,
Tamil Nadu-627 803.

3.The Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram, Tenkasi.
Tamil Nadu-627 803.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.


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**G.ILANGOVAN, J**
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**Order made in**
**W.P(MD)No.22173 of 2023**

**Dated 06.10.2023**


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